

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION

**Herman Mays, Jr., on his own behalf and as  
next friend and parent of C.M.; Elizabeth  
Mays, on her own behalf and as next friend  
and parent of C.M.; Bethany Felinton, on her  
own behalf and as next friend and parent of  
S.F., E.F., and C.F.; Jana Tigchelaar, on her  
own behalf and as next friend and parent of  
C.T. and S.T., and Max Nibert,**

**Plaintiffs,**

**v.**

**Civil Action No. 3:22-cv-00085**

**The Cabell County Board of Education;  
and Daniel Gleason, in his individual capacity,**

**Defendants.**

**JOINT MOTION TO EXTEND ENTRY OF DISMISSAL ORDER  
AND CONTINUE STAY OF CIVIL ACTION**

On June 20, 2023, this Court entry an Order which stayed this civil action for thirty (30) days and which also indicated its intent to enter a Dismissal Order dismissing this civil action without prejudice unless the parties had submitted an Order of Dismissal by July 11, 2023. [ECF No. 192]. Thereafter, the Court entered a second Order dated July 11, 2023 which indicated its intent to enter a Dismissal Order dismissing this civil action without prejudice unless the parties had submitted an Order of Dismissal by August 10, 2023. [ECF No. 195]. On August 9, 2023, the Court entered an Order which again extended the deadline to submit the Agreed Order of Dismissal to September 12, 2023.

The parties jointly request that this Court continue the stay of this civil action beyond thirty (30) days and to also extend the time for entry of said Agreed Order of Dismissal to October 12, 2023, to allow the parties to prepare and submit the same to the Court. This motion is required

based upon the nature and terms of the pending settlement which necessitated consideration and approval by the Cabell County Board of Education (Board) along with language that has been modified to be adopted with Board approval. The parties believe that they will, within the additional time requested, be able to completely resolve the issues and matters with the Court.

WHEREFORE, and based upon the foregoing, the parties jointly move this Court to extend the stay of this civil action and to further extend the time by which the parties must submit an Agreed Order of Dismissal to October 12, 2023, as well as such other relief this Court deems just and proper.

/s/ Brian D. Morrison

Perry W. Oxley (WVSB #7211)  
David E. Rich (WVSB #9141)  
Brian D. Morrison (WVSB #7489)  
Paula Jo Roberts (WVSB # 13457)  
Oxley Rich Sammons, PLLC  
P.O. Box 1704  
Huntington, WV 25718  
304-522-1138  
*Counsel for the defendants*

/s/ Marcus B. Schneider

Marcus B. Schneider  
Steele Schneider  
420 Ford Duquesne Blvd., Suite 500  
Pittsburgh, PA 15222  
(412) 235-7682

Kristina Thomas Whitaker  
The Grubb Law Group  
1114 Kanawha Boulevard East  
Charleston, WV 25301  
(304) 345-3356

Patrick Elliott  
Samuel Grover  
Freedom From Religion Foundation  
10 N. Henry Street  
Madison, WI 53703  
(608) 256-8900  
*Counsel for plaintiffs*